

**Enrolled Minutes of the Ninety-Fifth Regular Meeting
For the Twenty-Fifth Highland Town Council
Monday, June 11, 2007**

Study Session. The Twenty Fifth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, June 11, 2007 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Robert Helmer, Joseph Wszolek and Dan Dernulc were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

The Town Manager, Richard Underkofler was also present.

General Substance of Matters Discussed.

1. The Town Council discussed the imminent agenda.

The study session ended at 7:00 O'clock p.m.

Regular Meeting. The Twenty Fifth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, June 11, 2007 at 7:01 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Daniel Dernulc presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with Town Council President leading the pledge of allegiance to the United States Flag and leading in a prayer.

Roll Call: Present on roll call were Council Members Bernie Zemen, Mark Herak, Robert Helmer, Joseph Wszolek and Daniel Dernulc. Councilor Mark Herak arrived at 7:14 owing to a work delay. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

Additional Officials Present: Richard Underkofler, Town Manager; Rhett L. Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Cecil Petro, Redevelopment Director and Alex M. Brown, CPRP, Parks and Recreation Superintendent.

Ed Dabrowski of the Park and Recreation Board; and Leroy Fassett of the Shared Ethics Advisory Commission were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 29 May 2007 were approved by general consent.

Comments from the Public for Topics on the Agenda

This portion of the Town Council Meeting is reserved for persons who desire to address the Town Council. Depending on the nature of the comments, the Town Council may direct the staff to address the topic or follow-up on matters that may arise from public comments. Persons addressing the Town Council are requested to limit their presentations to **three (3) minutes** and to try to avoid repetitious comments.

1. Richard Fairchild, 3307 George Street, Highland, spoke in opposition to any proposed ordinance that may ban skateboarding in town. Mr. Fairchild suggested that the Town should designate a location for skateboarding.
2. Joe Bartok, 9324 Spring Creek Drive, Highland, inquired about the ordinance regarding the economic development target area and the prospect of tax abatements for retail properties and spoke in opposition to it.
3. Jim Milligan, 3148 Eder Street, Highland, inquired about Ordinance No. 1357 and whether or not members of the Volunteers in Police Service would be able to write parking citations.

There were no further comments.

Staff Reports: The Council received the following reports as information for the record:

• **Building & Inspection Report for May 2007**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	1	1	0	\$210,620.00	\$2,494.00
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	1	0	0	\$0.00	\$0.00
Residential	130	0	0	\$923,976.00	\$13,274.00
Addit/Remodel					
Commercial	2	0	2	\$22,439.00	\$276.00
Addit/Remodel					
Sheds	2	2	0	\$1,100.00	\$242.00
Fences	25	22	3	\$83,020.00	\$2,350.00
Garage	2	2	0	\$31,320.00	\$674.00
Swimming Pools	7	7	0		\$140.00
Misc. Permits	12	12	0	\$60,185.00	\$1,322.00
Misc. Razing	1	1	0	\$0.00	\$159.50
Permits					
Signs	4	0	4	\$40,154.00	\$1,314.00
Fire Repair	0	0	0	\$0	\$0
Total:	186	47	9	\$1,372,814.00	\$22,245.50
Electrical Permits	36	34	2		\$2,807.00
Plumbing Permits	7	7	0		\$627.00
Water Meters	8	4	4		\$850.00
Water Taps	1	1	0		\$200.00
Sewer Taps	3	2	1		\$900.00
Total:	1	14	5		\$2,577.00

There were 23 final building inspections, 9 plumbing inspections, and 25 electrical inspections. There were 2 electrical exams given. **12 of the residential permits were due to flood damage.*

• **Fire Department Report for May 2007**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	9	63	45	
Car Fires	0	2	5	
Still Alarms	15	49	66	
Ambulance	0	0	3	

• **Workplace Safety Report for May 2007**

There were two incidents reported in April. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2007	Total in 2006	Restricted Days 2007	Lost Workdays This Year	Restricted Days Last Year (2006)	Lost Workdays Last Year (2006)
Parks	0	4	2	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	1	3	7	0	0	0	9
Street	0	0	5	0	0	2	0
Water & Sewer	1	2	1	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	1	2	0	0	0	0
TOTALS	2	10	17	0	0	2	9

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

- Introduced Ordinance No. 1356:** An Ordinance Amending the Municipal Code and Establishing a so-called "Rainy Day Fund", pursuant to IC 36-1-8-5.5. Councilor Helmer introduced and filed Ordinance No. 1356 at the meeting of 29 May 2007. There was no further action. *Expenditures from the Rainy Day Fund would be used for temporary transfers to other funds of the town for cash flow purposes to meet debt service, payroll and monthly accounts payable when tax revenues are not received in a timely manner to mitigate interest expense on tax anticipation debt. Transfers from the Rainy Day Fund to other funds would be characterized as interfund loans to be retired as prescribed by state statute. An ordinance approved by the affirmative vote of four (4) members of the Town Council would enable a temporary or permanent transfer of assets of the Rainy Day Fund to another fund of the town for any lawful purpose authorized by state statutes.*

Councilor Helmer moved the passage and adoption of Ordinance No. 1357. Councilor Wszolek seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Ordinance was adopted.

ORDINANCE NO. 1356 of the TOWN of HIGHLAND, INDIANA

AN ORDINANCE ESTABLISHING A RAINY DAY FUND BY A RESIDUAL EQUITY TRANSFER OF ALL UNENCUMBERED CASH AND INVESTMENTS IN THE SELF INSURANCE FUND TO ACCUMULATE A CASH FLOW RESERVE TO MITIGATE INTEREST EXPENSE ON TAX ANTICIPATION WARRANTS

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, IC 36-1-8-5 enables municipalities to establish a Rainy Day Fund whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund; and,

WHEREAS, IC 36-1-8-5.1 enables municipalities to establish a Rainy Day Fund by the adoption of an ordinance specifying the purposes of the fund and the sources of funding for the fund; and,

WHEREAS, IC 36-1-8-5.1(f) provides that the state department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the Rainy Day Fund of the political subdivision; and,

WHEREAS, IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

WHEREAS, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, The Town Council has determined that it would be desirable to establish a rainy day fund and to allow the fund to be used for all the lawful purposes set forth in IC 36-1-8-5; and

WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the Highland Municipal Code in order to further perfect the operation of the Town;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. The Highland Municipal Code is hereby amended by adding a new Chapter to be numbered ____ and to be entitled: Rainy Day Fund, which shall read as follows:

RAINY DAY FUND

§ XXX.01 ESTABLISHMENT

- (A) There is hereby authorized, created and established a fund of the Town of Highland, to be called the Rainy Day Fund, pursuant to IC 36-1-8-5 et seq.
- (B) The Rainy Day Fund is dedicated and established to provide resources for accumulating funds for cash flow purposes and mitigating interest expense on tax anticipation warrants when tax revenues are not received in a timely manner and other purposes permitted by IC 36-1-8-5 as may be amended from time to time and as set forth in this code.
- (C) The sources of funding for the Rainy Day Fund may include the following:
 - (1) Unused and unencumbered funds governed under: IC 36-1-8-5; IC 6-3.5-1.1-21.1; IC 6-3.5-6-17.3; or IC 6-3.5-7-17.3.
 - (2) A residual equity transfer of unencumbered assets of the Self Insurance Fund and any other funding source specified in an ordinance adopted amending this section; and not otherwise prohibited by law.
- (D) The Rainy Day Fund is subject to the same appropriation process as other funds of the municipality that receive tax money.
- (E) In any fiscal year, the Town Council may transfer not more than ten percent (10%) of the town's total annual budget for that fiscal year, adopted under IC 6-1.1-17, to the Rainy Day Fund as authorized by IC 36-1-8-5.
- (F) The Town Council may adopt a subsequent ordinance restricting the funding sources for the Rainy Day Fund specified paragraph (C) (2) of this section.
- (G) The Rainy Day Fund is established until such time as the fund is repealed or rescinded by action of the Town Council.

§ XXX.02 PURPOSES, USES and PERMISSIBLE EXPENDITURES

- (A) Expenditures from the Rainy Day Fund shall only be used for temporary transfers to other funds of the town for cash flow purposes to meet debt service, payroll and monthly accounts payable when tax revenues are not received in a timely manner to mitigate interest expense on tax anticipation debt. Transfers from the Rainy Day Fund to other funds shall be characterized as interfund loans to be retired within at least one and one half years as prescribed by IC 36-1-4.
- (B) The affirmative vote of four (4) members of the Town Council may authorize a temporary or permanent transfer of assets of the Rainy Day Fund to another fund of the town for any lawful purpose authorized by state statutes.

§ XXX.03 EXPENDITURE UPON APPROPRIATION

Expenditures from the Rainy Day Fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4.

§ XXX.04 INVESTMENTS AUTHORIZED

Money in the Rainy Day Fund may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Highland Municipal Code.

§ XXX.05 PRESERVATION and DISPOSITION OF FUND ASSETS

All unused and unencumbered cash on deposit to the credit of the Rainy Day Fund do not revert to the corporation general fund nor to any other fund but shall remain with the Rainy Day Fund until such time as an ordinance is passed and approved by at least four (4) members of the Town Council which authorizes a transfer of any remaining unexpended, unencumbered assets of the fund, all pursuant to IC 6-1.1-41-5 and IC 36-1-8-5.

Section 2. (A) That on or about **January 1 2008**, the unobligated, unencumbered fund balance of the Health (Self) Insurance shall be transferred to and deposited to the credit of the **Rainy day Fund created by this Ordinance**, where it may be spent according to the provisions governing the fund;

(B) Unless otherwise provided by act of the fiscal body, on or after October 1 2008, after all the encumbered obligated fund balance of the Health (Self) Insurance is discharged, **and following an audit by the Indiana State Board of Accounts**, the Health (Self) Insurance Fund shall be defeased, abolished and repealed in its entirety;

Section 3. Any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and are of no further force or effect.

Section 4. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 29th day of May, 2007. Consideration on same day or at same meeting of introduction was not sought, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 11th day of June 2007 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Daniel E. Dernulc, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Introduced Ordinance No. 1357:** An Ordinance Amending Chapters 131, 72 and 73 of the Highland Municipal Code, regarding the Ordinance Violations Bureau, payable fines and authorizing Volunteers In Police Service to write certain non-moving ordinance violations. Councilor Zemen introduced and filed Ordinance No. 1357 at the meeting of 29 May 2007. There was no further action.

This ordinance is proposed on request of the Police Chief to enable properly trained Volunteers in Police Service (VIPS) to write citations for handicapped parking violations and fire lane violations. The town attorney has rendered an opinion state statutes do NOT enable VIPS personnel to write citations for snow route violations. The Council is asked to update the schedule of payable offenses (fines) consistent with the current statutory cap that has been raised from \$100.00 to \$250.00. Old or unenforceable language would be repealed.

Councilor Herak moved the passage and adoption of Ordinance No. 1357. Councilor Wszolek seconded. The ordinance was amended prior to adoption, details of which follow. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Ordinance as amended was adopted.

Prior to the roll above, Councilor Wszolek moved to amend the code section §72.09 and §72.11 violations from the payable fine of \$60 to the payable fine of \$50. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and one negative. With Councilors Zemen, Herak, Wszolek and Helmer voting in the affirmative and Council President Dernulc voting in the negative, the motion passed. The amendment was adopted.

**ORDINANCE No. 1357
of the
TOWN of HIGHLAND, INDIANA**

An Ordinance to Amend Chapter 131 regarding the Ordinance Violations Bureau, Chapter 72 regarding Parking Regulations and a section in Chapter 73, Providing for the Enforcement Thereof, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency

WHEREAS, The Town Council has conducted a study and investigation as to the amendments to Chapter 131 of the Highland Municipal Code within the Town of Highland;

WHEREAS, The Town Council has conducted a study and investigation as to the amendments to Chapter 72 and a section of Chapter 73 of the Highland Municipal Code within the Town of Highland;

WHEREAS, I.C. 9-21-1 *et sequitur* authorizes the Town of Highland, through its Town Council as a local authority to adopt local regulations regarding traffic; and

WHEREAS, I.C. 9-21-1-3(a)(1) specifically authorizes the Town of Highland, through its Town Council as a local authority with respect to streets and highways under the town's jurisdiction and within the reasonable exercise of the police power to regulate the standing or parking of vehicles; and

WHEREAS, I.C. 33-36-3-1(b) specifically authorizes the Town of Highland, through its Town Council as a local authority to establish an ordinance violations bureau; and

WHEREAS, The Highland Town Council has determined that several relevant sections of Chapter 131 as it relates to Chapter 72 of the municipal code require amendments in order to further perfect the municipality's regulatory operation with such amendments being in the best interest of the Town of Highland;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Chapter 131 of the Highland Municipal Code, shall be amended by deleting it in its entirety and then replacing it with a new Chapter to be called Ordinance Violations Bureau which shall read as follows:

CHAPTER 131: ORDINANCE VIOLATIONS BUREAU

Section

- 131.01 Established
- 131.02 Administrator of bureau
- 131.03 Payable fines declared
- 131.04 Failure to satisfy civil penalty or failure to deny or admit violation
- 131.05 Ordinance violation not constituting judgment
- 131.06 Schedule of code or ordinance violations

§ 131.01 ESTABLISHED

There is hereby established in the Office of the Clerk-Treasurer of the Town of Highland an Ordinance Violations Bureau for the acceptance of written appearances, waivers of trial, admissions of violations, and payment of civil penalties of not more than the statutory limit set forth in **IC 33-36-2-3 (4)**.

§ 131.02 ADMINISTRATOR OF BUREAU.

The Clerk-Treasurer of the Town of Highland shall be the administrator of said Ordinance Violations Bureau and, pursuant to the IC 33-36-3, shall be authorized to accept the payments of fines pursuant to this chapter.

§ 131.03 PAYABLE FINES DECLARED.

(A) All local ordinance violations as hereinafter may be designated by proper schedule and identified throughout the several sections of this code, are hereby now determined to be payable offenses, subject to admission before the Violations Clerk, which shall be the Clerk-Treasurer or his designee, and each violator may elect to pay a fine directly to the Office of the Clerk-Treasurer, Ordinance Violations Bureau, without the necessity of appearing in court.

(B) If a person charged with a violation of a municipal ordinance or a code violation as hereafter may be designated, wants to exercise the right to trial, the persons shall appear before the Violations Clerk and deny the violation or enter a written denial with the clerk.

(C) A person charged with an ordinance or a code violation is entitled to a trial before a court as provided by law, unless the person waives the right to trial and enters an admission of the violation with the violations clerk. Upon an admission, the clerk shall assess and receive from the violator the amount prescribed by the schedule of civil penalties established under Section § 131.06 of this Code.

(D) Any person cited for violations of the ordinance or code provisions shall be entitled to pay the fine at the Violations Bureau within 30 days of the issuance of the citation.

(E) Any person paying a fine at the Ordinance Violations Bureau shall execute a waiver of right to trial and admission of the violation.

§ 131.04 FAILURE TO SATISFY CIVIL PENALTY OR FAILURE TO DENY OR ADMIT VIOLATION.

(A) The clerk shall report to the official having responsibility to prosecute ordinance violation cases for the municipal corporation, if a person:

- (1) Denies an ordinance or code violation subject to the provisions of I.C. 33-36; or
- (2) Fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation; or
- (3) Fails to deny or admit the violation subject to the provisions of I.C. 33-36.

(B) Proceedings in court shall then be initiated against the person for the alleged ordinance violation.

(C) If the citation has not been paid at the Violations Bureau within 30 days of the date of issuance, the violation shall be filed with the Clerk of the Highland Town Court and the matter will be set for initial appearance.

§ 131.05 ORDINANCE VIOLATION NOT CONSTITUTING JUDGMENT.

Except as otherwise provided, an ordinance violation admitted under this chapter does not constitute a judgment for the purposes of I.C. 33-37, and ordinance violation costs fee may not be collected from the defendant under I.C. 33-37-4. In addition, an ordinance violation processed by the bureau may not be considered for the purposes of IC 33-37-5 or IC 33-37-6 when determining the percentage of ordinance violations prosecuted in certain courts.

§ 131.06 SCHEDULE OF CODE OR ORDINANCE VIOLATIONS.

(A) *Building Code.* The Town Council of the Town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a Violations Clerk in the Ordinance Violations Bureau, and subject to the enforcement jurisdiction of the Building Inspector, the Associate Inspectors, the officers of the Highland Police Department, or any other person authorized or empowered to enforce the municipal codes of the Town of Highland:

Code Section	Violation	Fine
§210.015 et seq.	Building Code Violations	\$50
§210.015 et seq.	Permit Violations	\$50
§210.015 et seq.	Stop work orders violations	\$75
§210.051 et seq.	Electrical permit & swimming pool violations	\$50
§210.065 et seq.	Plumbing permit violations	\$50
§210.091 et seq.	Contractor License violations	\$50
§210.110 et seq.	Unsafe Building violations	\$75
§210.125 et seq.	Building demolition violations	\$50

(B) *General Regulations.* The Town Council of the Town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a Violations Clerk in the Ordinance Violations Bureau, and subject to the enforcement jurisdiction of the Building Inspector, the Associate Inspectors, the officers of the Highland Police Department, the Public Works Director, the General Supervisor of Public Works or any other person authorized or empowered to enforce the municipal codes of the Town of Highland:

Code Section	Violation	Fine
§94.03	Various Nuisance violations	\$40
§94.20	Weed violations (per day)	\$50
§95.02(B)(10)	Fireworks: Discharging unapproved fireworks as defined by IC 22-11-14 et seq.	\$25
§112.20 et seq.	Amusement license violations (per machine)	\$60
§114.01 et seq.	Peddler and Solicitors violations	\$60
§ 130.04	Skateboarding prohibited	\$45
§ 170.03	Unlawful origin of solid waste	\$50
§ 170.04	Littering	\$50
§ 170.05	Open burning of garbage or rubbish	\$75
§ 170.06 (E)	Trash collection/pilfering violations	\$40
§ 170.06 (F)	Unauthorized collection of recyclables	\$40
§170.14	Abandoned refrigerators and appliances	\$75
§171.10 (B)	Sewage Disposal violations	\$75
§172.03	Bus bench violations	\$25
§172.38	Road cut violations	\$100

(C) *Park Regulations* The Town Council of the Town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a Violations Clerk in the Ordinance Violations Bureau, and subject to the enforcement jurisdiction of the Superintendent of Parks and Recreation, the Director of Parks, the officers of the Highland Police Department, or any other person authorized or empowered to enforce the municipal codes of the Town of Highland:

Code Section	Violation	Fine
§150.25	Defacing /destroying park property	\$45
§150.26	Bringing in Trees, Shrubs without authorization	\$45
§150.27 (A)&(B)	Littering or dumping trash/ noxious materials	\$45
§150.27(C)	Littering or dumping trash	\$45
§150.28	Unauthorized introduction of Game/Unauthorized Fishing, hunting/ animal waste and pets on leash	\$45
§150.29	Fires, Ashes and the Like	\$45
§150.30	Firearms, Weapons, Explosives and throwing stones	\$45
§150.31	Sleeping and Camping	\$45
§150.32(A)	Park Traffic – parking and storage without payment of fee and overnight	\$45
§150.32(B)	Park Traffic – riding or operating vehicles in park	\$45
§150.32(C)	Park Traffic – riding or operating vehicles in park when closed or barricaded	\$45
§150.32(D)	Park Traffic –parking and storage only in parking designated lots	\$45
§150.32(E)	Park Traffic – vehicle and spot light shining into park	\$45
§150.32(F)	Park Traffic – 3/4 ton vehicle in park w/o special permit or authority	\$45
§150.33	Snowmobiles, Sledding, Skiing and Skating	\$45
§150.34	Golfing in parks	\$45
§150.34	Bows and Arrows prohibited	\$45
§150.36	Baseball play confined to designated areas and baseball diamonds	\$45
§150.37	Aircraft landing or alighting without a written permit	\$45
§150.38	Swimming bathing or wading	\$45
§150.39	Disturbing the peace	\$45
§150.40	Presence in park during hours of closing	\$45
§150.41	Alcohol and Drugs	\$75
§150.42	Gambling, Fortune telling, and the Like	\$45
§150.44	Use of facilities programs without proper fee	\$45
§150.45	Soliciting, Peddling, without a permit or authorized contract	\$45
§150.46	Dissemination and displays without permit	\$45
§150.48	Failure to comply with lawful orders of park/law enforcement personnel	\$45
§150.50	Use of moped, ATC and all terrain vehicles in parks	\$75
§150.51	Skateboarding where Prohibited	\$45

(D) *Parking / Non-Moving Violations.* The Town Council of the Town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a Violations Clerk in the Ordinance Violations Bureau, and subject to the enforcement jurisdiction of the officers of the Highland Metropolitan Police Department, or any other person authorized or empowered to enforce the municipal codes of the Town of Highland:

Code Section	Violation	Fine
§72.04	Stopping, standing or parking near industrial plants gate	\$40
§72.05	Stopping, standing or parking on parkway	\$40
§72.06	Parking not to obstruct traffic	\$40
§72.06.01	Vehicles parked on sidewalks	\$50
§72.07	Parking in alleys	\$40
§72.08	Parking in front of public buildings and theaters	\$75
§72.10	Angle Parking	\$40
§72.12	Parking prohibited totally	\$65
§72.13	Truck parking	\$50
§72.14	Bus Loading Zones	\$50
§72.16	Parking prohibited during certain hours	\$40
§72.17	Fifteen minute parking	\$40
§72.18	Two-hour parking	\$40
§72.19	Special regulations for street work	\$40
§72.20	Special regulations for snow removal	\$75
§72.20.1	Parking during period of leaf collection	\$75
§72.24	Parking, storage or maintenance of certain vehicles in residential and commercial areas	\$100
§72.25	Parking without special permit display prohibited	\$125
§73.02	Snowmobile violations	\$100
§73.03	Parental responsibility for moped	\$75
§73.15	Moped violations	\$75

(E) *Fire Lane and Physical Disability Parking.* The Town Council of the Town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a Violations Clerk in the Ordinance Violations Bureau, and subject to the enforcement jurisdiction of the officers of the Highland Metropolitan Police Department, **members of the Volunteers in Police Service** (VIPS) or any other person authorized or empowered to enforce the municipal codes of the Town of Highland:

Code Section	Violation	Fine
§72.09	Parking in fire lanes	\$50
§72.11	Parking for the physically handicapped	\$50

Section 2. That Section § 72.09 of the Highland Municipal Code, shall be amended by deleting it in its entirety and then replacing it with a new section to be numbered §72.09 and to be called *Parking in Fire Lanes* which shall read as follows:

§ 72.09 PARKING IN FIRE LANES.

(A) No person shall park or leave a vehicle in, on, or within a fire lane which is defined as a zone or area designated and prescribed as such by the Fire Chief of the town, acting in his capacity as a Deputy State Fire Marshal, or posted as such by signs on, in, or adjacent to said fire lanes.

(B) *Enforcement.* Subject to **IC 9-21-16-5.5**, the Highland Fire Chief, any officer of the Highland Metropolitan Police Department, a Code Enforcement Officer, the Building Commissioner **or members of the Volunteers in Police Service** (VIPS) may issue a citation for a violation of this section.

Section 3. That Section § 72.11 of the Highland Municipal Code, shall be amended by deleting it in its entirety and then replacing it with a new section to be numbered §72.11 and to be called *Parking for Persons with Physical Disabilities* which shall read as follows:

§ 72.11 PARKING FOR PERSONS WITH PHYSICAL DISABILITIES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON WITH A PHYSICAL DISABILITY. A person who has been issued a placard under **I.C. 9-14-5** or a person with a disability registration plate for a motor vehicle, issued by the Bureau of Motor Vehicles under **I.C. 9-18-22**.

PLACARD, DECAL, DISPLAY OR PERMIT. (1) A parking permit for a person with a physical disability issued under **I.C. 9-14-5**; or (2) A disabled veteran's registration plate issued under **I.C. 9-18-18**; or (3) A registration plate or decal for a person with a physical disability issued under **I.C. 9-18-22**;

(B) Certain public parking spaces within the town shall be designated as reserved for a person with a physical disability under **IC 5-16-9-2**, **IC 9-21-1-3**, or **IC 9-21-18-4**, by posting immediately adjacent to and visible from the space or spaces, a sign erected and located in a manner that will not be obscured by a vehicle parked in the space, bearing the international symbol of accessibility. Such spaces shall include those designated in Chapter 75, Schedule II *as well as others which shall be lawfully designated by posting immediately adjacent to and visible from the space or spaces, a sign*

erected and located in a manner that will not be obscured by a vehicle parked in the space, bearing the international symbol of accessibility. Parking in these spaces shall be reserved solely for the use of the following:

- (1) Vehicles displaying an unexpired parking permit for a person with a physical disability; or
- (2) Vehicles displaying an unexpired disabled veteran's registration plate; or
- (3) Vehicles displaying an unexpired registration plate or decal for a person with a physical disability; or
- (4) Vehicles displaying an unexpired parking permit for a person with a physical disability, an unexpired disabled veteran's registration plate, or an unexpired registration plate or decal for a person with a physical disability issued under the laws of another state;

(C) Any person who parks a vehicle in a space reserved for a person with a physical disability under IC 5-16-9-2, IC 9-21-1-3, or IC 9-21-18-4, and the vehicle does not display the permit, placard or registration plates described in Section §72.11 (B) of this chapter or a person who, in a parking space reserved for a person with a physical disability, parks a vehicle that displays the permit, placard or registration plates described in Section §72.11 (B) of this chapter but is not at that time in the process of transporting a person with a physical disability or a disabled veteran, commits an offense.

(D) *Enforcement.* Subject to IC 5-16-9-11, the Highland Fire Chief, any officer of the Highland Metropolitan Police Department, a Code Enforcement Officer, the Building Commissioner, the Highland Park and Recreation Superintendent, Park Director, Public Works Director, General Supervisor of Public Works **members of the Volunteers in Police Service (VIPS)** may issue a citation for a violation of this section.

Section 4. That Section § 72.25 (H) of the Highland Municipal Code, shall be amended by deleting it in its entirety and replacing it with a section to be numbered §72.25(H) which shall read as follows:

§72.25(H) The authority for enforcement of this section is authorized for and vested in the officers of the Metropolitan Police Department, the Fire Chief, or any other person authorized and empowered to enforce the municipal codes of the town.

Section 5. That Section § 72.99 of the Highland Municipal Code, shall be amended by deleting it in its entirety and replacing it with a section to be numbered §72.99 and shall be called Penalty and which shall read as follows:

§ 72.99 PENALTY.

(A) Except as otherwise provided, any person, entity or organization who shall violate any provisions of this chapter shall be fined in the amount set forth in the designated schedule as a payable offense subject to admission before the Violations Clerk of the Ordinance Violation Bureau in the amount set forth in the Admissions Clerk Payable Offenses Schedule in § 131.06.

(B) If such persons, entity or organization shall violate any provisions of this chapter, and there is a failure to satisfy the civil violation as set forth in Chapter 131 of this code, then such violations shall be construed as justiciable offenses and shall be subject to a fine of not less than \$50 per violation, nor more than \$2,500. Each day of such unlawful activity as is prohibited shall be deemed a separate offense.

(C) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provided in § 70.99.

Section 6. That Section § 73.30 of the Highland Municipal Code, entitled *Use of Passenger Restraint Systems* shall be amended by deleting it in its entirety.

Section 7. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive and publication in the manner prescribed by IC 36-5-2-10(a)&(b).

Introduced and Filed on the 29th Day of May 2007. Consideration on the same day or at same meeting of introduction was not considered pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 11th Day of June 2007, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Daniel E. Dernulc, President (IC 36-5-2-10)

ATTEST:

/s/ Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Introduced Ordinance No. 1358:** An Ordinance to Amend the Compensation and Benefits Ordinance commonly called the Personnel Handbook regarding the High Deductible Option Employee Group Health Insurance, changing the lumps sum employer contribution to a quarterly figure, and identifying different fund source(s) for the contribution. Councilor Wszolek introduced and filed Ordinance No. 1358 at the meeting of 29 May 2007. There was no further action.

The Employer contribution to Health Savings Accounts would be changed from an annual \$1,000 lump sum to quarterly disbursements. Employer contributions to HSA Accounts would become \$225 per quarter for single coverage; \$250 per quarter for employee plus children coverage; \$300 for employee plus spouse coverage; and \$375 per quarter for family coverage. The Employer contribution would come from the funds, which will be financing the employee's payroll expense since the Self Insurance Fund may be dissolved with its assets transferred to a Rainy Day Fund.

Councilor Wszolek moved the passage and adoption of Ordinance No. 1358. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE No. 1358
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND PROVISIONS IN THE COMPENSATION and BENEFITS ORDINANCE.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year; and

WHEREAS, The Town Council of the Town of Highland has been advised that modification to certain provisions of the Compensation and benefits Ordinance more commonly referred to as the Municipal Employees Handbook, would be desirable;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to modify certain provisions and to further perfect the wage and salary as well as the Compensation and Benefits ordinance,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Compensation and Benefits Ordinance be amended and modified, pursuant to the provisions indicated herein and as follows:

Section 1. That Ordinance No. 1053, first passed and adopted December 30, 1996, known as the Compensation and Benefits Ordinance, commonly called the Employee Handbook, as amended, from time to time, be further amended by repealing in their entirety those provisions beginning with the heading styled *Group Insurance* of the Compensation and Benefits Ordinance as amended, then substituting in its stead these provisions which shall now read as follows:

Group Insurance

The Town reserves the right to change alter, modify, or cancel the insurance plan coverage with or without notification. The Town provides full-time employees and the clerk-treasurer with a group insurance plan after an employee or the clerk-treasurer has completed at least thirty (30) days on the job. The coverage begins on the first of the month after the successful completion of the first thirty (30) days of employment. For specific details on the type and extent of coverage, please refer to the plan document, which will be provided at the time of enrollment.

Town Council Member Eligibility

The Town will not pay the premiums for the members of the Town Council for participation in any group insurance plans. However, the Town Council members are eligible to participate in the group insurance plans of the Town at their own expense for the cost of the premiums.

IRC Section 125 "Flex Plan"

The Town of Highland will provide a "full flex" plan pursuant to and as outlined in § 125 of the Internal Revenue Code. The plan will provide for conversion of employee premiums for group health insurance provided by the Town as employer. It will further provide for election by covered employees and officials to convert a medical reimbursement account and a dependent care reimbursement account. The governing body may from time to time adopt third party services agreements to carry out portions of the plan. Details of the plan shall be maintained as a plan document and retained on file.

High Deductible Health Insurance Option in Support of Health Savings Accounts (H S A)

The Town of Highland will provide a HIGH DEDUCTIBLE option in our group health insurance to support worker establishment of Health Savings Account pursuant to and as outlined in the relevant sections of the Internal Revenue Code. The plan option will only be available to full-time employees and the Clerk-Treasurer who may elect the higher deductible option for the group health insurance plan.

The Town of Highland as employer will make a financial contribution to the individual health saving account of the employee or Clerk-Treasurer that elects to participate. The employee or Clerk-Treasurer must not be covered by any other group health insurance plan. Details of the plan shall be maintained as a plan document and retained on file. The financial contribution will be paid in quarterly installments and be based upon the high deductible group health plan elected by the participating employee or clerk-treasurer as follows:

- Individual Plan: \$225.00 quarterly (\$ 900)
- Adult Couple Plan: \$300.00 quarterly (\$1,200)
- Parent Plan: \$250.00 quarterly (\$1,000)
- Family Plan: \$375.00 quarterly (\$1,500)

Employee Contribution for Certain Group Insurance Premiums

All full-time employees and the Clerk-Treasurer shall share the cost of the group health premium, which are to be paid through a salary reduction (payroll deduction) taken as a pre-tax payment according to the terms of a duly authorized IRC Section 125 Plan for the Town of Highland. The amount of the shared premium shall be fixed by ordinance as may be passed from time to time. All employees and elected officers may elect to include dependents under their group coverage.

All full-time employees and the Clerk-Treasurer who elect to participate in the group medical or health insurance shall pay the identified share of the group premium based upon the type of enrolled coverage selected by the employee or the clerk-treasurer for the duration of such coverage. The identified share of the group premium will be calculated as a percentage share of the annual gross base wage or salary of the covered employee, *excluding* longevity or overtime and then fixed as a flat amount to be paid bi-weekly, according to the following schedule:

Group Health Employee Premium Share Schedule of Fees

Employee (single) alone:	1.0%
Employee with child(ren):	2.0%
Employee with Spouse:	2.0%
Employee w/ Spouse & Child(ren)	3.0%

Group Plan Dental Insurance

The Town will provide a dental insurance plan for all full-time employees and the clerk-treasurer.

Group Dental Employee Premium Share Schedule of Fees

Group dental plans have no required additional fee participation by full-time employees or the Clerk-Treasurer.

Group Life and AD & D Employee Premium Share Schedule of Fees

All employees and the Clerk-Treasurer shall pay \$1.00 per year toward the premiums for their group life insurance coverage.

Town Council members who elect dependent coverage, shall pay in full the appropriate premium corresponding for such coverage.

Group Plan Insurance for Deceased Employee's Dependent Family

The Town will respond in one of the following ways, as directed by the deceased employee's dependent family:

Option 1. The Town will pay premiums up to include two (2) full months following the date of the death month of the employee for the decedent's dependent family. Thereafter, additional coverage will be available under the terms of the COBRA law.

Option 2. The Town will allow a conversion of the equivalent economic value of the benefit described in option one, based upon the cost of the health/medical insurance premium that decedent's dependent family would be granted under option one, and permit the value to be applied to the dental insurance benefit that may be in force and available at the time. This would be in lieu of the Town paying the medical/health and other insurance benefits offered in option one. The Town will then pay the premiums for the dental plan as elected under the terms of COBRA. Once the converted value was extinguished, the dependent would be then required to pay premiums for coverage remaining under COBRA provisions.

Any such conversion will be adjusted for any time that may have lapsed from the date of the death month of the employee for the decedent's dependent family and the notification of the election of option two.

However, any additional benefit which may be offered under the terms of any dental plan then in effect would still be extended without modification or reduction to the benefit of this option.

The Clerk-Treasurer shall have authority to implement and administer this benefit policy, as adopted, including implementing the provisions related to the employee group premium co-payment, all in accordance with IC 36-5-6 et seq.

Extension of Group Insurance Plan Coverage for Terminated or Separating Employee

Employees who separate from employment for any reason and who elect to continue their group insurance plan coverage according to the terms of the insurance company contract, must pay insurance premiums under the terms of the COBRA law. Such electing employees shall pay the actual cost of the premium plus a two percent (2%) service fee. Payment must be made to the Clerk-Treasurer prior to the 5th day of each month for the month's insurance. If payment is not received by the fifth day of the month, the premium will not be paid for that month. **No notices of payment due will be sent to separating employees.**

The Clerk-Treasurer shall have authority to implement and administer this benefit policy, as adopted, including implementing the provisions related to the employee group premium co-payment, all in accordance with IC 36-5-6 et seq.

Section 3. (A) That the previously authorized employer lump-sum contribution in the amount of \$1,000 for workers electing to enroll in the higher deductible group health insurance plan, is hereby ratified and approved for those workers who elected to enroll in this option after January 1, 2007 and before May 1, 2007. Those workers who were enrolled will not be eligible for any new option or the provisions set forth in this ordinance until the new plan year;

(B) That the authorized employer *quarterly contribution* for workers electing to enroll in the higher deductible group health insurance plan, is hereby effective from and after June 1, subject to the provisions of subsection 3 (A) of this ordinance;

(C) That pursuant to IC 36-5-6-6(4), the Clerk-Treasurer shall have the authority to implement and administer the provisions related to the payment of the employer's quarterly contribution for workers electing to enroll in the higher deductible group health insurance plan;

Section 4. (A) That an emergency exists for the immediate taking affect of this Ordinance, which, subject to the provisions of this ordinance, shall become effective and shall remain in full force and effect from and after the date of its passage and adoption, pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to compile the several modifications to the Compensation and Benefits Ordinance, including those provisions adopted herein, in order to reconstitute the Employees' Handbook into a less ungainly compilation, that conforms to the substantive texts of the existing ordinance as amended, and present it to the Town Council for reauthorization, ratification and adoption.

Introduced and Filed on the 29th day of May 2007. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 11th Day of June 2007 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Daniel E. Dernulc, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

4. **Proposed Ordinance No. 1359:** Designating an Economic Development Target Area within an Economic Revitalization Area that is coterminous with the boundary of the Highland Redevelopment Area to enable property tax abatement for retail uses.

At a meeting held May 14, 2007, the Town Council adopted Resolution 2007-23 designating an Economic Revitalization Area coterminous with the boundary of the Highland Redevelopment Area. This measure, unanimously recommended by the Economic Development Commission at a meeting held May 31, 2007, would enable property tax abatement for installation of new equipment, redevelopment or rehabilitation of real property for retail use.

Councilor Zemen introduced and filed Ordinance No. 1359. There was no further action.

5. **Proposed Ordinance No. 1360:** Amending Chapters 130 and 150 of the Highland Municipal Code Prohibiting skateboard use at Main Square Park, at the Town Hall property and in the downtown area. (ABSTRACT)

Councilor Herak introduced and filed Ordinance No. 1360. There was no further action.

6. **Proposed Ordinance No. 1361:** An Ordinance Amending the Highland Code of Ordinances to regulate the use of consumer fireworks. Councilor Wszolek introduced and filed Ordinance No. 1361. There was no further action.

7. **Resolution No. 2007-24:** A Sense of the Council Resolution Conveying its position regarding a new state statute that mandates Lake County to enact an income tax. Councilor Wszolek moved the passage and adoption of Resolution No. 2007-24. Councilor Helmer seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

HIGHLAND TOWN COUNCIL
Resolution No. 2007-24

A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING THE IMPOSITION OF THE LOCAL
OPTION INCOME TAX.

WHEREAS, The Highland Town Council, as the fiscal and legislative body of the Town of Highland, from time to time, encounters issues of public import and moment which invite an expression from the elected representatives as part of the public discourse on the matter;

WHEREAS, Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances; and

WHEREAS, The Indiana General Assembly recently cynically singled out Lake County Non-School Governments by effectively mandating the passage and adoption of an individual Income Tax upon individuals in Lake County to offer so-called relief to property tax payers in the county; and

WHEREAS, The Legislature through some its members were repeatedly advised that to impost such a tax without meaningful choice is anti-democratic, provides no reform, and in effect penalizes taxpayers rather than offering them real relief; and

WHEREAS, The Legislature through some its members were further repeatedly advised that to impost such a tax without meaningful modification of the distribution formula which would distribute income taxes to relieve the governments with the highest property taxes with incentive to reduce the use of property taxes, and while not allowing the same income taxpayers any meaningful input on the selection of the elected policy makers who impose those taxes is prima facie TAXATION WITHOUT REPRESENTATION, and forces taxpayers of one local government to pay for the decisions of another local without a voice in choosing its decision-makers ; and

WHEREAS, To impost the mandate of income taxes ONLY upon Lake County, while not also imposing the same legislative scheme upon the several other Indiana Counties holds Lake County out for unfair and unequal treatment; and

WHEREAS, The current scheme places upon the County and Municipal Governments no meaningful choice, in a period of great fiscal duress and commits a profound affront to the self governance of the people of Lake County, its county government and its nineteen cities and town; and

WHEREAS, The current legislation patently violates Article IV, Section 22 of the Indiana Constitution prohibiting SPECIAL LEGISLATION as well as Article IV, Section 23 which provides that laws be uniform and equal; and

WHEREAS, The current legislation patently operates against the idea that there is ever a just way to conduct an unjust thing, with such an unjust scheme operating to further fracture rather than foster cooperation and common purpose among the several cities and Towns in Lake County; and

WHEREAS, The Town of Highland, was incorporated to provide certain public services to the inhabitants of this community, all of whom are also inhabitants of this state, who from time to time assemble together in a peaceable manner, consult for their common good, instruct their representatives and in some cases to apply to the General Assembly for redress of grievances, all for the betterment of government; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That The Town Council of the Town of Highland, Indiana renews its opposition, as first expressed in its Sense of the Town Council Resolution 2000-24, to any such income tax which would render such an acutely unfair and unjust distribution of burden and benefit to address the currently profoundly unfair property tax system; and

Section 2. That The Highland Town Council urges the Lake County Council and the Lake County Commissioners to resist the cynical, unfair and unjust special, non uniform legislation recently enacted by the Indiana General Assembly.

Section 3. That the Highland Town Council further proposes that prior to consideration of any county option income tax, that representatives from all the Lake County Cities and Towns be assembled to discuss matters concerning any such county option income tax

Section 4. That The Highland Town Council further urges the Lake County Council, Lake County Commissioners and the proper officers of the other general service governments of Lake County to appeal to the Indiana General Assembly to repeal the current mandate and to make the necessary changes to the local income tax laws to provide for a distribution system that is fair and just to ALL lake county taxpayers those who reside and seek good services in the urban core, those who reside and seek services in the inner ring suburbs and those who reside in the other suburbs of the county who also seek services from their communities;

Section 5. That the Town Clerk-Treasurer be hereby instructed to transmit and forward this resolution to the proper officers of the Indiana General Assembly, to Governor Mitchell Daniels, to the Lake County Council, to inform their deliberation and to the neighboring cities and towns as well as to such other parties or agencies that may be interested.

ADOPTED this 11th day of Day, 2007, by the Town Council of the Town of Highland, Lake County, Indiana by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Having voted in the affirmative

Having voted in the negative

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 8. Resolution No. 2007-25:** A Sense of the Council Resolution Urging the Lake County Council to take the proper steps to preserve the current local taxpayer and local official review of municipal budgets rather than County Board of Tax and Capital Projects Review. Councilor Wszolek moved the passage and adoption of Resolution No. 2007-25. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Resolution was adopted.

A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REQUESTING THE LAKE COUNTY COUNCIL ACT TO MAKE THE RECENTLY ENACTED COUNTY BOARD OF TAX ADJUSTMENT AND CAPITAL REVIEW MORE JUST IN A DEMOCRATIC SYSTEM.

WHEREAS, The Highland Town Council, as the fiscal and legislative body of the Town of Highland, from time to time, encounters issues of public import and moment which invite an expression from the elected representatives as part of the public discourse on the matter;

WHEREAS, Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances; and

WHEREAS, The Indiana General Assembly recently passed and the Governor recently adopted by his signature to reverse a long standing practice of self government and home rule regarding the locally elected officials being accountable to the voters who elect them regarding operating budget decisions; and

WHEREAS, That same law does allow the local County fiscal body to restore the long standing practice of self government and home rule regarding locally elected officials being accountable to the voters who elect them regarding operating budget decisions; and

WHEREAS, The Highland, was incorporated to provide certain public services to the inhabitants of this community, all of whom are also inhabitants of this county and this state, who from time to time assemble together in a peaceable manner, consult for their common good, instruct their representatives and in some cases to apply to the General Assembly for redress of grievances, all for the betterment of government; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That The Town Council of the Town of Highland, Indiana respectfully requests that the Lake County Council take those measures granted to it regarding the recently created County Boards of Tax Adjustment and Capital Projects Review and to restore the long standing practice of self government and home rule regarding locally elected officials being accountable to the voters who elect them regarding operating budget decisions by withdrawing review of operating budget decisions from this board; and

Section 2. That The Highland Town Council reminds the Lake County Council that there are many points of redress from local taxpayers at the local level already as well as by the Indiana Department of Local Government Finance and that recently enacted law as it applies to operating budgets creates an expensive, added bureaucratic level of government, that only impedes and adds costs with out real, meaningful informed budgetary review.

Section 3. That The Highland Town Council further reminds the Lake County Council that this law without its action, would be allowed to make judgments about the budgetary decisions that the locally elected representatives including the Lake County Council itself were elected to make – and to allow this measure to go forward wounds deeply the system of representative government that animates American government.

Section 4. That the Town Clerk-Treasurer be hereby instructed to transmit and forward this resolution to the proper officers of the Lake County Council, to inform their deliberation and to the neighboring cities and towns as well as to such other parties or agencies that may be interested.

ADOPTED this 11th day of June, 2007, by the Town Council of the Town of Highland, Lake County, Indiana by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Having voted in the affirmative

Having voted in the negative

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 9. Works Board Order No. 2007-07:** Setting June 25, 2007 as a date for a public hearing on proposed special assessments for the Branton Avenue project. Councilor Zemen moved the passage and adoption of Works Board Order No. 2007-07. Councilor Wszolek seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

Town of Highland
Order of the Work Board No. 2007-07

A Preliminary Order Adopting and Approving Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the Branton Avenue Reconstruction Project

WHEREAS, Pursuant to Ind. Code 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

WHEREAS, Pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

WHEREAS, Pursuant to Order of the Works No. 2007-06, the Town Council confirmed Works Board Order No. 2007-05 and determined that the benefits to accrue to the property liable to be assessed for reconstruction of curbs and sidewalks in the 8700-8900 block of Branton Avenue (the "Improvements") will be in excess of the maximum estimated cost of the Improvements; and

WHEREAS, An assessment roll for the Improvements, including the name and owner of each parcel of property abutting on and adjacent to such Improvement, a description of each parcel of such property, and the total assessment against each parcel of property, copies of which are attached hereto as **Exhibit A** (each, an "Assessment Roll"), has been prepared and filed with this Town Council.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby adopts and approves the Assessment Roll for the Improvements.

Section 2. That the Town Council hereby determines to hold a public hearing regarding the Assessment Roll for the Improvements and to receive and hear remonstrances against the amounts assessed on the Assessment Roll and determine whether the lots or tracts of land have been or will be benefited by the Improvements in (a) the amount set forth on the Assessment Roll, (b) such greater or lesser amount, or (c) any amount at all, which public hearing will be held at the regular meeting place of the Town Council at 7:00 p.m. on **June 25, 2007**, and the Town Council further directs the Clerk-Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the Improvements.

Be it so Ordered.

•Duly adopted and ordered by the Town Council of the Town of Highland, Lake County, Indiana, this 11th day of June, 2007, by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA

Dan Dernulc, President

Attest:

Michael W. Griffin, Clerk-Treasurer

10. Works Board Order No. 2007-08: An Order of the Works Board Closing the municipal building on June 22, 2007 from 2:30 PM to the normal closing time so staff who so wish, may attend the Clerk-Treasurer Michael Griffin's wedding. Councilor Herak moved the passage and adoption of Works Board Order No. 2007-08. Councilor Wszolek seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

SANITARY DISTRICT OF HIGHLAND
Board of Sanitary Commissioners

Resolution No. 2007-36

HIGHLAND WATERWORKS BOARD OF DIRECTORS
Resolution No. 2007-21

HIGHLAND TOWN COUNCIL
Board of Works Order No. 2007-13

A JOINT RESOLUTION AUTHORIZING THE CLERK-TREASURER TO EXECUTE A \$13,390 PURCHASE AGREEMENT WITH COMPUTRAIN ENTERPRISES, INC. AND TO EXPEND UP TO \$15,000 TO ACQUIRE A

DEDICATED COMPUTER FILE SERVER FOR NEW UTILITY BILLING EQUIPMENT AND SOFTWARE ACCOUNTING SYSTEMS

WHEREAS, the Office of the Clerk-Treasurer has determined a need to acquire a new utility billing software system to succeed a system that has become functionally obsolete; and

WHEREAS, the Town Manager in consultation with the Clerk-Treasurer and his staff conducted interviews with seven vendors known to specialize in utility billing systems for municipal utilities; and

WHEREAS, a request for proposals was subsequently issued to five vendors who demonstrated software systems that were most compatible with needs of the Clerk-Treasurer's Office; and

WHEREAS, a proposal submitted by CompuTrain, Inc, emerged as the leading contender for the software procurement by a consensus of the staff responsible for the utility billing function; and

WHEREAS, said utility billing software will support functions of the Highland Sanitary District, the Water Utility, Trash Collection and Disposal; and

WHEREAS, \$100,000 was approved in Capital Improvement Plans of the Town to underwrite the expense of new utility billing software: 41% from the Sanitary District Capital Fund, 41% from the Water Works Improvement Fund and 18% from the Sanitation Account of the General Fund in proportion to the number of customer accounts; and

WHEREAS, it is prudent and in the best interest of the Highland Sanitary Board of Commissioners, the Highland Water Works Board of Directors, the Highland Works Board and the public at large to support and share the purchase of the utility billing software and related equipment; and

WHEREAS, the Board of Sanitary Commissioners, pursuant to §31.17(E) of the HMC serves as purchasing agency for the Public Sanitation Department; and

WHEREAS, the Board of Waterworks Directors, pursuant to §31.17(E) of the HMC serves as purchasing agency for the Highland Waterworks; and

WHEREAS, the Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(1) of the HMC serves as purchasing agency for the Public Works Department; and

WHEREAS, the purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) of the HMC requires the express approval of the purchasing agencies; and

WHEREAS, the Board of Sanitary Commissioners, the Highland Waterworks Board of Directors, and the Town Council, acting as the Works Board for the Town of Highland now desire to approve and authorize the Clerk-Treasurer to complete the purchase pursuant to the terms stated herein.

NOW, THEREFORE, BE IT HEREBY

RESOLVED by the Board of Sanitary Commissioners of the Town of Highland, Lake County, Indiana; and

RESOLVED by the Board of Waterworks Directors of the Town of Highland, Lake County, Indiana; and

ORDERED by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana

Section 1. That the Clerk-Treasurer is hereby authorized to execute a \$13,390 purchase agreement with CompuTrain Enterprises, Inc, for new utility billing accounting equipment and software systems, a copy of which is attached and incorporated herein by reference.

Section 2. That the Clerk-Treasurer is hereby authorized to expend up to \$15,000 to acquire a computer server dedicated to the operation of utility billing and financial management systems.

Section 3. That the \$28,390 cost of these procurements shall be apportioned: \$11,639.90 to the Sanitary District Capital Fund, \$11,639.90 to the Water Works Improvement Fund and \$5,110.20 to the Sanitation Account of the General Fund.

Be it So Ordered

Jurats

Duly Adopted and Resolved by the Board of Sanitary Commissioners of Highland, Lake County, Indiana, this 21st day of August 2007. Having been passed by a vote of ____ in favor and ____ opposed.

**THE SANITARY DISTRICT OF HIGHLAND
BY ITS BOARD OF COMMISSIONERS:**

David Jones, President

Attest:

Joseph Fraley, Secretary

DULY ADOPTED AND RESOLVED by the Board of Waterworks Directors of Highland, Lake County, Indiana, this 23rd day of August 2007. Having been passed by a vote of ____ in favor and ____ opposed.

THE WATERWORKS DISTRICT OF HIGHLAND
BY ITS BOARD OF DIRECTORS:

Arthur Burkman, President

Attest:

Philip Pena, Secretary

DULY, PASSED, ADOPTED, AND ORDERED by the Town Council of the Town of Highland, Lake County, Indiana this 27th day of August 2007 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Dernulc, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

11. **CDR 2007-20:** A Council Decision Request Reporting bids received and authorizing a contract for repair of the town hall roof.

Four contractors participated in the mandatory pre-bid conference. Bids will be opened 8 June at 4 PM

Councilor Wszolek moved to authorize notice of intent to award a \$129,060 contract to E.C. Babilla Roofing for replacement of the town hall roof. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The notice of intent was authorized.

11. **Resolution No. 2007-26:** A Resolution Transferring Appropriations between and among major Categories of Expenses in the Services and Works Board Department of the Corporation General Fund and the Municipal Cumulative Capital Fund.

Councilor Wszolek moved the passage and adoption of Resolution No. 2007-26. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
Resolution No. 2007-26

An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the and in the Services and Works Board Department in the Corporation General Fund as Requested by the Department Head (s) or Proper Officer (s) and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Services and Works Board Department in the Corporation General Fund**;

WHEREAS, The Town Council has been advised that the transfer would involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations in the **Services and Works Board Department of the Corporation General Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2007 budget, and may be transferred as follows:

CORPORATION GENERAL FUND

Services and Works Board Department

<u>Decrease:</u> Acct. 350.02 Streetlight Electric Serv.	<u>\$ 50,591.00</u>
<i>Total 300 Series Reductions</i>	\$ 50,591.00

<u>Increase:</u> Acct. 430.XX Bldg Dept Vehicles	<u>\$ 50,591.00</u>
<i>Total 100 Series Increases</i>	\$ 50,591.00

Total of All Fund Decreases:	\$ 50,591.00
Total of All Fund Increases:	\$ 50,591.00

DULY RESOLVED and ADOPTED this 11th Day of June 2007 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Daniel E. Dernulc, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Committee Reports

- Councilor Zemen reported that Traffic Safety Committee reviewed the proposed median on Main Street near the north entrance of the Highland Grove Mall.

Councilor Zemen reported that the VIPS logged approximately 1,000 hours in the past three months.

Councilor Zemen from Parks and Recreation that the Park Board conducted a park tour and walk about.

- Councilor Herak reported that Fire Department responded to a fire at an Apartment of 10100 Block of Kennedy Avenue; EMT recertification has been completed.

Councilor Herak also reported that the Water and Sanitary Boards would be convened in a joint meeting on Thursday at 6:00p.m. Councilor Herak also wished the Clerk-Treasurer best wishes on his wedding.

- Councilor Helmer reported that the Board of Sanitary Commissioners had rough data from flow monitoring and DLZ indicated that it required more data; the Sanitary District took delivery of a sewer cleaning truck.
- Councilor Wszolek reported that the legislature under funded the completion of Little Calumet River Development, noting that 8 million was needed but only 2 million was funded.

Councilor Wszolek reported from Building and Inspection that the unsafe proceeding against the house 8933 Grace Street has been completed and the house was demolished.

- Council President Dernulc reported through the Redevelopment Director that the Redevelopment Commission would be reviewing it's first tax abatement application from Dr. Spott for a possible project on Kennedy Avenue at the site of the former Dog &

Suds; Board of Trustees of the Police Pension Fund would be meeting on Thursday, June 14.

Comments from the Public for Matters not on the Agenda

1. Joe Bartok, 9324 Spring Creek Drive, Highland, expressed support for an ordinance to be adopted that would prohibit the sale of beer and wine at gasoline stations in Highland. It was noted that the Town Council had passed a sense of the council resolution on this subject in 2004.
2. Jim Milligan, 3148 Eder Street, Highland, inquired whether or not there would be any enforcement action for the Semi-Trucks near the American Legion Post 180.
3. Ellen Jasin, 3504 81st Street, Highland, expressed concern about mounds of dirt, gravel and weeds that are in front of her home in consequence of the US Army Corps of Engineers Little Calumet River Flood Control Project contractor. Mrs. Jasin reported that she has made repeated appeals to the Army Corps and the contractor has been unresponsive.
4. Kathy Carrier, 8049 Duluth Avenue and Brian Novak of 3916 Eder Place complained about high grass growing nearby.

Payment of Accounts Payable Vouchers. There being no further business from the floor, Councilor Helmer moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period May 30, 2007 through to June 11, 2007. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Herak, Helmer, Dernulc and Wszolek voting in the affirmative and Councilor Zemen abstaining, the motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$328,010.93; Motor Vehicle Highway and Street (MVH) Fund, \$12,388.46; Local Road and Streets Fund (LRS), \$61,562.02 Forfeit and Seized Asset Fund, \$187.01; Law Enforcement Cont. Education and Supply Fund, \$240.00; FSA Agency Fund, \$1,158.62; Insurance Premium Fund, \$91,050.62; Information and Communications Technology Fund, \$5,419.18; Donation Fund, \$193.00 Cumulative Capital Improvement Fund, \$10,731.76 Municipal Cumulative Capital Development Fund, \$6,294.16; General Improvement Fund, \$14.00; Safe Neighborhood Grant Fund, \$1,603.54; Municipal Cumulative Street Fund, \$3,548.50; Gaming Revenue Sharing Fund, \$20,000.00; Total: \$542,401.80.

Adjournment. Councilor Helmer moved that the meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council meeting of Monday, June 11, 2007 was adjourned at 8:49 O'clock p.m.

There was no study session following the meeting.

Michael W. Griffin, IAMC/CMC/CPFA
Clerk-Treasurer